

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

INA PERCIVAL, *an individual and resident of the
State of Washington,*

Plaintiff,

v.

LAINA POON, *an individual and resident of the
State of Washington,*

Defendant.

Cause Number# 2:20-cv-01040

**PLAINTIFF'S CIVIL COMPLAINT
FOR DAMAGES**

TO: United States District Court Western District of Washington Court Clerk
TO: Laina Poon, Plaintiff

I. CIVIL COMPLAINT

COMES NOW the Plaintiff, INA PERCIVAL ("Plaintiff"), by and through her attorney of record, Edward C. Chung and the law firm of CHUNG, MALHAS & MANTEL, PLLC., for causes of action against Defendant, LAINA POON. Plaintiff hereby files with this Court and serves upon Defendant, LAINA POON, Plaintiff's Civil Complaint for Damages. Plaintiff's alleges the following factual averments and legal claims for damages as follows:



II. PARTIES AND JURISDICTION

- 2.1 Plaintiff, Ina Percival at all times material hereto was residents of King County, Washington.
- 2.2 Defendants, Lana Poon, is a resident of King County Washington.
- 2.3 This Court has jurisdiction because Plaintiff's claims for damages involves a federal question wherein Defendant's conduct was in violation of 18 U.S.C. §2510, *et. seq.* Plaintiff seeks recovery for civil damages which are recoverable under the 25 U.S.C. §2520. Defendant's acts, as alleged herein, is for unlawful conduct performed entirely within the State of Washington and within the federal jurisdiction of this Court.
- 2.4 This court has jurisdiction and venue is proper because the incident which gave rise to the lawsuit took place in Washington State.

III. FACTUAL ALLEGATIONS

(Plaintiff re-alleges paragraphs 1.1 through 2.4 and incorporates them herein as if set forth in full.)

- 3.1 Plaintiff and Defendant entered a state registered domestic partnership in May 2008. During the course of the partnership, Defendant was not acting with honesty, good faith or fairly toward Plaintiff which lead to a dissolution of their relationship on December 2, 2018. Plaintiff, as a result of Defendant's action was financially damaged.
- 3.2 On October 16, 2018 Defendant illegally obtained an audio recording without the permission of Plaintiff and subsequently distributed this recording to third parties with the intent of disparaging Plaintiff and placing her in false light for the purposes of humiliating her, to undermine her custodial rights, and as a means to exert power and control as part of a pattern of domestic abuse.
- 3.3 Defendant has made public false and defamatory statements regarding Plaintiff that are legally actionable. The dissemination of false, defamatory statements caused Plaintiff to suffer severe emotional distress and monetary damages. The use of such statements, for the purposes of obtaining child custody and inflict financial damage to the Plaintiff amounted to extreme and outrageous conduct.
- 3.4 The day the 911 call was made, Defendant forced Plaintiff into a bedroom with pushing and shoving and backed her into a closet, threatening to inflict harm to their children in common, and referencing prior physical acts to inflict fear and intimidation and raising the threat of harm to Plaintiff. A protection order was obtained. This action and these threats followed a pattern of emotional and psychological abuse, including implied threats of pending physical harm to the plaintiff.
- 3.5 Defendant Intentionally Inflicted emotional distress upon Plaintiff.

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IV. CAUSES OF ACTION

(Plaintiffs re-allege paragraph 1.1 through 3.5 above as though fully set forth in this claim)

FIRST CAUSE OF ACTION

(Violation of Electronic Communications Privacy Act of 1986 ("ECPA"), 18 U.S.C. §2510, *et. seq.*)

- 4.1 On October 16, 2018, Defendant, without consent, audio recorded Plaintiff in her family residence and thereafter, on information and belief, publicly disseminated this audio recording through social media platforms and across state lines with the knowing intent of disparaging Plaintiff publicly and using Plaintiffs' recorded statements in conjunction with a state court custody case involving her children. Her stated intention was to both undermine the Plaintiff's role as the primary custodial parent and to inflict financial harm, maximizing the significant financial power of the Defendant over the Plaintiff.
- 4.2 Defendant, by her conduct, intercepted Plaintiff's communications in the manner described above, is in violation of Electronic Communications Privacy Act of 1986 ("ECPA"), 18 U.S.C. §2510, *et. seq.*
- 4.3 Pursuant to 18 U.S.C. §2510 (b) Plaintiff seeks Defendant's action was unlawful and was obtained for tortious purposes. Plaintiff, as well as statutory and punitive damages. This Court should further, in this action, assess the actual damages suffered by the Plaintiff and any financial gain made by the violator.

SECOND CAUSE OF ACTION

(Violation of Washington State's Privacy Act, RCW 9.73.060)

- 4.4 On October 16, 2018, Defendant, without consent, wrongfully audio recorded Plaintiff in her family residence and thereafter publicly disseminated this audio recording through social media and across state lines with the knowing intent of disparaging Plaintiff publicly and with the intent of using and disclosing Plaintiffs' oral communications in conjunction with the state court custody case.
- 4.5 Defendant, without consent, audio recorded Plaintiff's communications in the manner described above, is in violation of Washington State's Privacy Act, RCW 9.73.060.
- 4.6 Pursuant to RCW 9.73.060, Plaintiff is entitled to actual damages, including mental pain and suffering endured by her on the account of Defendant's violation of the provisions, damages to computed at the rate of one hundred dollars a day, reasonable attorney's fee and other costs of said litigation.

THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

- 4.7 Defendant intentionally inflicted emotional distress by audio recording Plaintiff in her family residence and without her consent. Plaintiff then disseminated said audio recording to third parties *via* electronic means for the purposes of causing emotional distress and for the purposes of using said information related to a child custody matter.



4.9 Defendant, restrained Plaintiff within her family home by not allowing her to leave a closet and using threats of harm to their children in common, intimating the threat of physical harm by her upon the Plaintiff, and essentially instilling fear upon Plaintiff. Pursuant to RCW 9.73.060, Plaintiff is entitled to her mental pain and suffering in damages.

4.10 Defendant's actions were extreme and outrageous and intended to cause emotional distress to Plaintiffs in that she unlawfully recorded Plaintiff in a place where she had an expectation of privacy and security. Moreover, using the audio recording for the purposes of disparaging and obtaining child custody to avoid paying child and spousal support is outrageous and caused Plaintiff emotional and financial distress.

4.11 Plaintiff continues to suffer emotional distress, and physical harm, including anxiety, nausea, sleeplessness, headaches and anxiety about the ongoing safety, health and well-being of her children as a result of their privacy and sense of safety being so maliciously violated.

FOURTH CAUSE OF ACTION
(Civil Assault)

4.12 On October 15, 2018, Defendant, restrained Plaintiff within her family home by not allowing her to leave a closet and with intent of causing harm, referenced Defendant's prior physical acts of violence and Plaintiff's chronic injuries, for the sole purposes of causing fear of a harmful contact and apparent, present ability to cause the harm.

4.13 Defendant's conduct created an apprehension of an imminent harmful or offensive contact upon Plaintiff that as a matter of law subjects Defendant to liability to Plaintiff for common law assault.

4.14 Based on said conduct, Plaintiff seeks monetary damages in an amount to be determined at trial.

FIFTH CAUSE OF ACTION
(False Imprisonment)

4.15 On October 15, 2018, Defendant, restrained Plaintiff within her family home by not allowing her to leave a closet using threats of harm to herself and their children in common for the purposes of instilling fear and restraining Plaintiff's movement.

4.16 Defendant's conduct was a willful restraint on Plaintiff's movement, without consent; and without authority of law.

4.17 Based on said conduct, Plaintiff seeks monetary damages in an amount to be determined at trial.

SIXTH CAUSE OF ACTION
(Breach of Fiduciary Duty)

4.18 In May 2008 Plaintiff and Defendant entered a state registered domestic partnership. During the course of the partnership, Defendant was not acting with honesty, good faith or fairly toward Plaintiff caused Plaintiff to sustain monetary damages and a dissolution of their relationship on December 2, 2018. In fact, Defendant willfully withheld issues related to sexual and gender identity from the Plaintiff, issues that would have precluded any agreement to cohabitation.



4.19 Defendant owed Plaintiff a fiduciary duty. Plaintiff breached said duty during the course of their partnership. Plaintiff sustained monetary damages caused by Defendant's breach.

4.20 Under Washington State law, civil torts following a dissolution of a partnership or marital relationship allows an aggrieved party to assert a claim against the party causing them damage. *See, Goode v. Martinis*, 58 Wash.2d 229, 361 P.2d 941 (1961) (allowed action for battery to proceed after the divorce decree); *Beam v. Beam*, 18 Wash.App. 444, 569 P.2d 719 (1977), *review denied*, 90 Wash.2d 1001 (1978) (allowed separate actions); *see also, Plankel v. Plankel*, 68 Wash.App. 89, 841 P.2d 1309 (1992).

**SEVENTH CAUSE OF ACTION
(Intrusion Upon Seclusion)**

4.21 On October 15, 2018, Defendant intruded into the plaintiff's private affairs of Plaintiff by invading the Plaintiff's domicile and refusing to leave according to all prior arrangements. These arrangements included the Defendant having voluntarily vacated the home weeks before in acknowledgement that said home was and would remain the sole residence of the Plaintiff and their children in common, while parties negotiated the terms of divorce. The intrusion occurred at 987 22nd Avenue and when the Defendant knew that Plaintiff and her children would be alone in the residence for the first time since Defendant had vacated the residence.

4.22 Defendant's conduct was objectionable to a reasonable person and Plaintiff was damaged in an amount to be proven at trial.

**EIGHTH CAUSE OF ACTION
(False Light)**

4.24 On information and belief, Defendant, on October 16, 2018, publicly disclosed information about the Plaintiff electronically to third parties and through various social media Platforms. Specifically, Defendant This information placed the Plaintiff in a false light; and would be highly offensive to any reasonable person.

4.25 Defendant's conduct was objectionable to a reasonable person and Plaintiff was damaged in an amount to be proven at trial.

**NINTH CAUSE OF ACTION
(Defamation of Character)**

4.26 On information and belief, Defendant, communicated to a third-party, false and defamatory statements concerning Plaintiff that was unprivileged and that caused Plaintiff to sustain monetary damages.

4.27 Defendant's false and defamatory statements were communicated to multiple Third-Parties and were part of a campaign to emotionally and psychologically abuse the Plaintiff, to isolate Plaintiff



1 from friends and family and her support network, and meant to inflict significant and intentional
2 harm.

3 4.28 Defendant's conduct was tortious, and Plaintiff seeks monetary damages against Defendant for
4 the Defamation of Character in an amount to be proven at trial.

5 **V. PRAYER FOR RELIEF**

6 *Plaintiff re-alleges paragraphs 1.1 through 4.28 and incorporates them herein as if set forth in full.*

7 **WHEREFORE**, based on said conduct alleged in this Civil Complaint, Plaintiff respectfully requests
8 that this Court grant the following relief:

9 5.1 An award to Plaintiff of her costs and expenses of this litigation, including reasonable attorney's
10 fees in accord with 18 U.S.C. §2510 (b) and RCW 9.73.060 .

11 5.2 An award of punitive damages pursuant to 18 U.S.C. §2510 (b)

12 5.3 Any such other statutory or further relief as the Court may deem just and proper under the circumstances.

13
14 *Respectfully submitted this 2nd of July, 2020.*

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16 **CHUNG, MALHAS & MANTEL, PLLC.**

17 /s/ Edward C. Chung

18 Edward C. Chung, WSBA # 34292
19 Attorney for Plaintiff



DECLARATION OF SERVICE

I, Edward C. Chung, declare under penalty of perjury under the laws of the State of Washington that I am attorney of record for the Plaintiff and partner of the law firm of CHUNG, MALHAS & MANTEL, PLLC with an address of 1037 NE 65th Street, Suite 80171, Seattle, Washington 98115; and I caused copies of Complaint to be served with the U.S. District Court's ECF database on the date provided below:

Respectfully submitted this 2nd day of July, 2020.

/s/ Edward C. Chung

Edward C. Chung, WSBA# 34292

